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OLC 76-0494
26 February 1976

MEMORANDUM FOR: Director

FROM : Legislative Counsel

SUBJECT : Role of the Office of Legislative Counsel

1. The restructuring and new emphasis on your responsibilities as Director of Central Intelligence and head of the Central Intelligence Agency in the Executive Order resulted from the compromise of diverse views. However, it is my opinion that congressional expectations of your role will continue to be viewed in light of the provisions of the 1947 Act and the quarter of a century experience Congress has had with your office and that Act. Simply put, I think this boils down to:

a. National Intelligence Judgments. The Congress views the Director of Central Intelligence as supra-departmental, without a departmental or policy bias, thus abling you to provide unvarnished assessments of foreign situations.

b. Appropriations. The Appropriations Committees, and to a lesser extent, the Armed Services Committees, have been eager to see a more assertive DCI in connection with intelligence program contents and dollars, and the rationalizing of the intelligence community budget for DOD elements.

c. Legislation. As a matter of practice, the DCI has spoken for the interests of the Agency and the intelligence community on legislation of common concern.

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d. Committee Requests. The DCI has served as focal point for coordinating responses by intelligence community agencies to committees of Congress on matters of common concern.

In the past, this office has served as personal staff for previous Directors in all four of these roles and it is recommended that this be continued for the future.

2. From the congressional viewpoint, the most significant adjustments in your role deals with appropriations. This, together with your responsibility as principal spokesman to the Congress for the intelligence community, creates a role which the Appropriations Committees in both Houses have long been eager to see you acquire. They will see you as the arbiter of conflicting priorities in the event of cuts in appropriations and for assuring that conflicting budget presentations are not made.

3. I would like to comment on your various roles with the Congress prior to the Executive Order and under the Executive Order:

a. Substantive Intelligence. No change. The Executive Order cannot make a change since the responsibilities are imposed upon you by law, as head of the Agency, to produce finished intelligence. Congress will still look to you to "tell it like it is." It is your bottom line judgments that will be sought. Admittedly, there is a community-wide input, but so far Congress has not brooked anyone from other departments and agencies to sit in on your executive session briefings to "track what you are saying." I do not see this as changing. (This does not mean, however, that committees, particularly the Armed Services and Appropriations Committees will no longer expect to receive, from time to time, departmental intelligence judgments from DOD. The same will be true for the foreign affairs committees with respect to State.)

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b. Legislation. Although more explicit ("principal spokesman"), no change. Insofar as proposed legislation impacts upon intelligence capabilities, procedures, and programs, it has always been the responsibility of the Director of Central Intelligence, the focal point in statute, for protecting the statutory basis for the performance of your functions.

c. Responses to Congressional Committees. Although more explicit ("principal spokesman"), no change. In the past, this has been essentially a coordinating role where questions impact upon your peculiarly based statutory responsibilities.

d. Appropriations. Significant change. It is in this area that your responsibilities under the Executive Order have been most enhanced as a result of your Chairmanship of the CFI and the responsibilities imposed upon it. In the past, the Director of Central Intelligence has made presentations to the Appropriations Committees for the intelligence community budget and the CIA budget. The Director's intelligence community presentation has been followed by more detailed presentation by various elements of the intelligence community to the Appropriations Committees. This office, in collaboration with the Comptroller for the Agency budget, and the Intelligence Community staff for the intelligence community budget, has worked out a modus operandi which has and should find the Comptroller and the IC Staff in continuous contact with the Appropriations Committees staff in preparing the budget submission and on follow-ups with the Appropriations Committees. In this respect, the Legislative Counsel serves in partnership with the Comptroller and the IC Staff to support you in anticipating and resolving issues as they develop.

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e. Summary.

1. As I view the Legislative Counsel's responsibility to you, it must cover the totality of your relationships with the Congress. The benefits to be derived by you from having one focal point for congressional relations far outweigh any appearance of managerial improvements by fractionating it into constituent elements representing various responsibilities and roles under the Executive Order (e.g., as Chairman of the Committee on Foreign Intelligence, as principal spokesman for the intelligence community, as facilitating the use of foreign intelligence products by the Congress and in connection with appropriations matters).

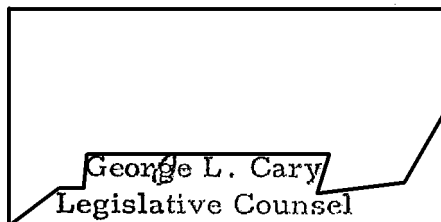
2. In each of your four principal roles, this office, as personal staff to the Director, has worked in close collaboration with Agency offices drawing upon their resources, e.g., legal, production, and has coordinated with our counterparts in the affected elements of the community, executive agencies, the White House Legislative Interdepartmental Group, and other staff offices to the President, such as OMB. Procedures for such coordination already exists through OMB directives and years of experience.

3. The enhancement of your coordination and management roles will, however, increase the coordination role of this office with the various legislative counsels throughout the intelligence community. These relationships have existed for some time but

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they may need to be somewhat more formally institutionalized than they have been in the past. However, it is recommended that any such institutionalization be the outgrowth of actual experience under the new arrangements and not formalized at this time.


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Legislative Counsel


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